

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION
THIS DOCUMENT RELATES TO:
ALL ACTIONS

MDL. NO. 1456

Civil Action No. 01-CV-12257- PBS

Judge Patti B. Saris

NOTICE OF APPEARANCE OF JAMES B. MCGOWAN
ON BEHALF OF NON-PARTY NEW YORK STATE DEPARTMENT OF HEALTH
AND MOTION FOR ADMISSION *PRO HAC VICE*

Pursuant to Local Rule 83.5.3 and paragraph 16 of this Court’s Case Management Order No. 1, the undersigned counsel hereby moves that James B. McGowan enter his appearance on behalf of non-party New York State Department of Health (“NY DOH”) in the above captioned actions.

Mr. McGowan is not a member of the bar of the United States District Court for the District of Massachusetts, but respectfully seeks admission *pro hac vice* in accordance with the procedures set forth in this Court’s Case Management Order No. 1. The attached Certificate demonstrates that Mr. McGowan is a member in good standing of various bars and is familiar with the Local Rules of this Court.

The appropriate \$50 filing fee has been submitted to the Clerk of the Court under separate cover with a copy of this Notice and Motion.

WHEREFORE, the undersigned counsel respectfully moves Mr. McGowan's admission to practice before this Court *pro hac vice*.

Dated: November 6, 2009

Respectfully submitted,

**City of New York and New York Counties in
MDL 1456 except Nassau and Orange, by**

KIRBY McINERNEY, LLP
825 Third Avenue
New York, New York 10022
(212) 371-6600

By: /s/ Joanne M. Cicala
Joanne M. Cicala

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of November 2009, a true and correct copy of the foregoing has been served to counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the honorable Patti B. Saris in MDL no.1456.

Dated: November 6, 2009

/s/Kathryn B. Allen
Kathryn B. Allen

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

MDL. NO. 1456

Civil Action No. 01-CV-12257- PBS

Judge Patti B. Saris

ORDER ALLOWING ADMISSION

The Court having considered the Motion for Admission Pro Hac Vice filed by Joanne M. Cicala for the admission *pro hac vice* of James B. McGowan for the purpose of representing the non-party New York State Department of Health in this matter,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the Motion is hereby granted, and that James B. McGowan is admitted to practice before this Honorable Court in connection with the above styled cause.

Dated: _____

Patti B. Saris
United States District Judge

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

MDL. NO. 1456

Civil Action No. 01-CV-12257- PBS

Judge Patti B. Saris

CERTIFICATE OF JAMES B. MCGOWAN

I, James B. McGowan, in accordance with Rule 83.5.3 of the Local Rules of the United States District Court for the District of Massachusetts, represent and certify as follows:

1. I am an Assistant Attorney General, of Counsel to New York State Attorney General Andrew M. Cuomo, New York State Office of the Attorney General, the Capital, Albany, New York 12224. My office phone is (518) 473-6522 and e-mail address is James.McGowan@oag.state.ny.us.
2. I am admitted to the bars of the Western District of New York, the Northern District of New York, the United States Supreme Court, the State of New York, and the Supreme Court of Texas.
3. I am a member of the bar in good standing in every jurisdiction where I have been admitted to practice.
4. No disciplinary proceedings are pending against me as a member of any bar in any jurisdiction; and

5. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

Executed: November 6, 2009

/s/ James B. McGowan
James B. McGowan